

ALEXANDER G. CALFO (SBN 152891)
alexander.calfo@btlaw.com

SARAH E. JOHNSTON (SBN 259504)
sarah.johnston@btlaw.com

BARNES & THORNBURG LLP

2029 Century Park East, Suite 300

Los Angeles, California 90067

Telephone: (310) 284-3880

Facsimile: (310) 284-3894

Attorneys for Defendants

JOHNSON & JOHNSON; JANSSEN RESEARCH &
DEVELOPMENT, LLC (sued herein as "Johnson &
Johnson Pharmaceutical Research & Development,
L.L.C."); JANSSEN PHARMACEUTICALS, INC. (sued
herein as "Ortho-McNeil-Janssen Pharmaceuticals, Inc.");
and McKESSON CORPORATION

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

MICHAEL FRANCIS BREENE;

Plaintiff,

vs.

JOHNSON & JOHNSON; JOHNSON &
JOHNSON PHARMACEUTICAL
RESEARCH & DEVELOPMENT, L.L.C.;
ORTHO-MCNEIL-JANSSEN
PHARMACEUTICALS, INC.; and
McKESSON CORPORATION;

Defendants.

Case No. 1:15-cv-00361-TLN-JLT

**STIPULATION AND ORDER TO
CONTINUE HEARING ON PLAINTIFF'S
MOTION TO REMAND CASE TO
CALIFORNIA STATE COURT**

Current Date: May 21, 2015

Proposed New Date: June 18, 2015

Complaint Filed: January 26, 2015

TO THE COURT, ALL PARTIES, AND THEIR ATTORNEYS OF RECORD:

Defendants JOHNSON & JOHNSON, JANSSEN RESEARCH & DEVELOPMENT, LLC (sued herein as “Johnson & Johnson Pharmaceutical Research & Development, L.L.C.”), and JANSSEN PHARMACEUTICALS, INC. (sued herein as “Ortho-McNeil-Janssen Pharmaceuticals, Inc.”) (collectively, “Defendants”), and Plaintiff MICHAEL FRANCIS BREENE (“Plaintiff”) (Defendants and Plaintiff are referred to as “the Parties”) hereby stipulate and agree as follows:

1. Plaintiff’s Motion to Remand Case to California State Court is currently set for hearing on May 21, 2015;
2. The Parties continue to meet and confer regarding information evidencing Plaintiff’s alleged use of Levaquin® and to determine whether certain legal issues related to the Motion to Remand may be narrowed prior to the hearing before this Court;
3. Accordingly, the Parties have agreed that there is good cause to continue the Motion to Remand Case to California State Court, in accordance with Judge Nunley’s civil law and motion rules, to permit the Parties to further meet and confer;
4. No other scheduling modifications have been issued on this Motion, either by stipulation or by Court order;
5. Therefore, the Parties stipulate and agree that hearing date on Plaintiff’s Motion to Remand to California State Court will be continued from May 21, 2015 to June 18, 2015. Defendants’ Opposition to Plaintiff’s Motion to Remand Case to California State Court will be due on or before June 4, 2015 and Plaintiff’s Reply papers will be due on or before June 11, 2015.

///

///

///

///

///

///

1 IT IS SO STIPULATED.

2
3 Dated: May 7, 2015

GOMEZ TRIAL ATTORNEYS

4
5 By: /s/ Stephanie S. Poli
6 John H. Gomez
7 John P. Fiske
8 Stephanie S. Poli
9 Attorneys for Plaintiff MICHAEL
10 FRANCIS BREENE

11
12 Dated: May 7, 2015

BARNES & THORNBURG LLP

13 By: /s/ Sarah E. Johnston
14 Alexander G. Calfo
15 Sarah E. Johnston
16 Attorneys for Defendants
17 JOHNSON & JOHNSON; JANSSEN
18 RESEARCH & DEVELOPMENT, LLC
19 (sued herein as "Johnson & Johnson
20 Pharmaceutical Research & Development,
21 L.L.C."); JANSSEN
22 PHARMACEUTICALS, INC. (sued herein
23 as "Ortho-McNeil-Janssen
24 Pharmaceuticals, Inc."); and McKESSON
25 CORPORATION
26
27
28

ORDER

Having read and considered the Parties' Stipulation and [Proposed] Order to Continue the Hearing for Plaintiff's Motion to Remand Case to California State Court and for good cause shown,

PURSUANT TO STIPULATION, the Court hereby continues the Hearing on Plaintiff's Motion to Remand Case to California State Court from May 21, 2015 to June 18, 2015 at 2:00 p.m. in Courtroom 2, 15th Floor, 501 I Street Sacramento, California 95814. Defendants' Opposition to Plaintiff's Motion to Remand Case to California State Court shall be due on or before June 4, 2015 and Plaintiff's Reply papers shall be due on or before June 11, 2015.

IT IS SO ORDERED.

Dated: May 11, 2015



The Honorable Troy L. Nunley
United States District Court Judge